

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**

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In re:

Case No.  
Chapter

\_\_\_\_\_  
Debtor \_\_\_\_\_/

**APPLICATION FOR APPROVAL OF EMPLOYMENT OF AUCTIONEER**

Trustee [or Debtor in Possession] ("Trustee"), pursuant to 11 U.S.C. § 327 and Local Rule 6005-1 applies for entry of an order approving the retention of [Name of Auctioneer] ("Auctioneer"), subject to the terms and conditions delineated herein, relative to a proposed auction of [general description of property] (the "Property"), and states:

1. Trustee believes that the highest and best value for the Property will be generated via auction and that an auction is in the best interest of the estate.
2. Auctioneer was selected after consideration of competitive bids obtained from at least one other qualified auctioneer. The terms of the rejected bids are available from the trustee upon request of the court or interested parties. [In the alternative, state reason why it was not necessary or appropriate to seek competitive bids.]
3. Trustee believes that retention of Auctioneer is in the best interest of the estate.
4. Trustee believes that Auctioneer is disinterested as defined in the Bankruptcy Code pursuant to the Affidavit of Auctioneer attached hereto as Exhibit "**A**".
5. Auctioneer is licensed and bonded as an auctioneer and is authorized to conduct auctions in the State of Florida pursuant to Florida Statutes § 468.381 et seq or

§ 468.387 for out-of-state auctioneers and Local Rule 6005-1(B) and is covered by the Florida Auctioneer Recovery Fund as required by Florida Statute 468.392. In addition, Auctioneer has posted a blanket bond in the amount of \_\_\_\_\_ (or a case specific bond in the amount of \_\_\_\_\_ .) The blanket or case specific fiduciary and faithful performance bond or surety bond was issued by a surety company approved by the Department of the Treasury and the amount indicated is not less than the maximum expected proceeds of any proposed auction or combination of auctions, if a blanket bond. The bond is in favor of the United States of America and the original bond has been forwarded to the United States trustee. True copies of the appropriate licenses and bonds are attached to the Affidavit of Auctioneer attached hereto as Exhibit **"A"**.

6. The maximum amount of costs and expenses to be expended by and reimbursed to Auctioneer is \_\_\_\_\_ [for items including \_\_\_\_\_], as indicated on the budget attached as Exhibit **"B"**.

7. Compensation of Auctioneer will be based on \_\_\_\_\_ percentage of gross revenue, (\_\_\_\_\_ % buyers premium), (flat fee of \$\_\_\_\_\_), (guaranteed return of \$\_\_\_\_\_), or [any other reasonable method described in sufficient detail].

8. Trustee requests approval of this Application after notice and hearing [or trustee submits that this Application should be approved without notice or hearing because (describe circumstances, e.g. amounts involved and/or time constraints, etc.)].

9. Trustee will serve copies of the Order granting this motion together with the sale notice required by Bankruptcy Rule 6004 and Bankruptcy Rule 2002(a)(2) and (c)(1) Bankruptcy Rule and Local Rule 6005-1(E).

10. Upon completion of the auction, the Auctioneer will file with the court a

report summarizing the results of the auction and stating the fees and expenses which will be paid to Auctioneer in accordance with the Order approving the retention. The report shall be served only on the U.S. trustee, the trustee and any other interested party who specifically requests a copy. The fees and expenses will be paid without the necessity of further notice or hearing unless any party in interest files an objection within 10 days from the filing of the report with the court and service of the report on the above parties.

**WHEREFORE**, trustee moves for the entry of an order granting this Application, approving the retention and compensation of Auctioneer upon the terms and conditions stated herein.

I HEREBY CERTIFY that a true and correct copy of the foregoing APPLICATION FOR APPROVAL OF EMPLOYMENT OF AUCTIONEER was served upon the U.S. trustee [all creditors] [twenty largest unsecured creditors] [all committees] [or otherwise per order of court], on \_\_\_\_\_.

\_\_\_\_\_  
signature

\_\_\_\_\_  
print name

\_\_\_\_\_  
attorney for

\_\_\_\_\_  
address

\_\_\_\_\_  
phone

\_\_\_\_\_  
Florida Bar No.